

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Establishment of Assessment Districts to Provide for Public Improvements for Local and Circulation Element Roads

**Policy
Number**

J-16

Page

1 of 3

Purpose

To establish conditions for the use of Assessment Act proceedings for the construction of public improvements for local roads and for the local interest portion of Circulation Element roads when conditions of public convenience and necessity warrant such action.

Background

State law requires that each county adopt a Circulation Element of its General Plan. The roads of countywide interest and through highway characteristics are designated as Circulation Element roads; all other roads are known as minor roads, commonly referred to as local roads.

Portions of Circulation Element roads are designated as either local interest or general interest. The local interest portion is that portion of the road used primarily for access to adjacent land, and generally consists of a travel lane and parking lane (20 feet in combined width), and a concrete curb, gutter and sidewalk on each side of the through roadway. The general interest portion is that portion of the road used primarily for travel through the area. It generally consists of two center travel lanes, and may include left turn lanes and medians.

An urban type area is an area where land use consists of commercial or industrial development or residential development more dense than two lots per acre. Where development has occurred in an urban type area without necessary local interest road improvements, creating problems involving public health, safety, or general welfare, the County has a responsibility to provide for the construction of these improvements. One method of providing for these improvements is through Assessment Act proceedings. These proceedings may also be used when property owners wish to provide improvements to local roads.

Policy

It is the policy of the Board of Supervisors that:

FORMATION

1. When property owners desire to have improvements constructed through an Assessment Act procedure, the Board may make these procedures available where owners of more than 60 percent (60%) of the area of the property to be assessed for the improvement submit petitions requesting that such procedures be instituted; or

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Subject

Establishment of Assessment Districts to Provide for Public Improvements for Local and Circulation Element Roads

**Policy
Number**

J-16

Page

2 of 3

2. Where land has developed in an urban type area without necessary public road improvements and the lack of these public improvements constitutes a detriment to public health, safety, or welfare, the County may initiate Assessment Act proceedings to provide for the construction of these improvements. Such initiation by the Board may occur:

- a. When more than 50 percent of the frontage on either side of a local or Circulation Element road between intersecting streets or other appropriate limits has been developed; or
- b. When public convenience and necessity requires the improvement and a written recommendation from the Chief Administrative Officer requests initiation.

COSTS

All costs for acquisitions and improvements of local roads, including incidental expenses, shall be borne by the owners of benefiting property. The total cost of improvements to the local interest portion of Circulation Element roads will be borne by the owners of the benefiting property, except when the Board of Supervisors, upon recommendation of the Department of Public Works, determines that a portion of the total cost shall be paid by the County.

Reference here is made to Board of Supervisors Policy B-65, "Long-Term Financial Obligation Management Policy," which provides a program to centralize the financial coordination component when the County enters into long-term debt obligations.

PROTESTS

The Board will proceed with the formation of the Assessment District unless ballots received at the public hearing and not withdrawn represent a majority protest. A majority protest exists if ballots submitted in opposition to the assessment exceed ballots in favor of the assessment. In tabulating, the ballots shall be weighted according to the proportional financial obligation of the affected properties. In no case may a majority protest be overruled by the Board of Supervisors.

EXCEPTIONS

The Board of Supervisors recognizes that it is not possible to anticipate all situations that may arise and that from time to time the Board may make exception when the application of the policy would result in unusual and unreasonable hardship.

PROCEDURE

The Director of Public Works will administer all proceedings for the implementation of this policy.

Sunset Date

This policy will be reviewed for continuance by 12-31-10.

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BOARD OF SUPERVISORS POLICY

Subject

Establishment of Assessment Districts to Provide for Public
Improvements for Local and Circulation Element Roads

**Policy
Number**

J-16

Page

3 of 3

Board Action

5-12-70 (73)

6-16-70 (73)

12-4-84 (17)

3-22-88 (37)

4-04-95 (28)

8-11-98 (32) deleted

11-17-99 (11)

06-23-04 (12)

CAO Reference

1. Department of Public Works